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LABOUR & EMPLOYMENT DEPARTMENT

NOTIFICATION

The 28th March 2006

No. 2772–li/1(J)-44/1999(Pt.)-L. E.–In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Award, dated the 24th February 2006 in Industrial Dispute Case No. 4/2000 of the Presiding Officer, Labour Court, Jeypore to whom the industrial disputes between the Management of Executive Engineer, Baghua Irrigation Division No. 1, At Matajhari, P.O. Takarapada, Via Buguda, Dist. Ganjam, at present Bhanjanagar Irrigation Division, Bhanjanagar, At/P. O. Bhanjanagar, Dist. Ganjam and its Workman Shri Madhusudan Nayak, S/o. Ganeswar Nayak, At Gamei, P. O. Kulei, Dist. Khurda was referred for adjudication is hereby published as in the Schedule below :

SCHEDULE

IN THE COURT OF THE PRESIDING OFFICER
LABOUR COURT, JEYPORE, KORAPUT

INDUSTRIAL DISPUTE CASE No. 4 OF 2000

Dated the 24th January 2006

Present :

Shri R. K. Saran
Presiding Officer, Labour Court
Jeypore, Dist. Koraput.

Between :

The Management of . . . First Party–Management
Executive Engineer, Baghua Irrigation Division No. 1
At Matajhari, P.O. Takarapada, Via Buguda, Dist. Ganjam.
At present
Bhanjanagar Irrigation Division, Bhanjanagar,
At/P. O. Bhanjanagar, Dist Ganjam.

Versus

Its Workman . . . Second Party–Workman
Shri Madhusudan Nayak
S/o Ganeswar Nayak,
At Gamei, P. O. Kulei, Dist. Khurda

Under Sections 10 & 12 of the Industrial Disputes Act, 1947

Appearances :

| | |
|--------------------------------|--------------|
| For the First Party–Management | .. Self |
| For the Second Party–Workman | .. Self |
| Date of Argument | .. 19-1-2006 |
| Date of Award | .. 24-1-2006 |

AWARD

This is a reference under Section 10(1), read with Section 12(5) of the Industrial Disputes Act, 1947 made by the State Government of Orissa in their Labour & Employment Department memo No. 597(4)-L.E., dated the 11th January 2000 for adjudication of the dispute mentioned below :

SCHEDULE

“Whether the termination of services of Shri Madhusudan Nayak, Ex-Helper by the Executive Engineer, Baghua Irrigation Division No. 1, Matajhari with effect from the 15th April 1995 is legal and/or justified ? If not, to what relief he is entitled ?”

2. The above reference has been received to answer as to whether termination of Madhusudan Nayak, Ex-Helper of Baghua Irrigation Division No. 1 is legal and/or justified and what relief the workman is entitled to ?

3. Both parties are noticed and the case was taken up at Camp Court at Chhatrapur. The second party workman submitted that as a Helper, he was working under the management from the 1st December 1993 to 30th April 1995 in the office truck and received wage for six months only. He prays that the rest amount be paid to him. But the driver of the said vehicle who is the father of the workman submitted that, (the workman) he has worked for one and ½ years only as a Helper. But received wage for six months. Therefore the second party workman is entitled to wage for one year and also other ancillary dues. Since the second party workman is a Casual Labourer and worked only one and ½ years on daily wages basis and the project is not working his reinstatement question does not arise. The workman can claim the dues.

4. In the result, the reference is answered accordingly. The termination of the second party workman is justified but, he is entitled to the back wages i. e. the dues of one year as told by workman witness No. 2.

Dictated and corrected by me.

R. K. SARAN
24-1-2006
Presiding Officer, Labour Court
Jeypore.

R. K. SARAN
24-1-2006
Presiding Officer, Labour Court
Jeypore.

By order of the Governor
N. C. RAY
Under-Secretary to Government